**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3738 OF 1991**

Ramchandra Maruti Lokhande ..Petitioner

versus

The Tahsildar, Pandharpur
& Ors. ..Respondents

Mr. D. K. Ghaisas for the Petitioner.

Mr. S. K. Chinchalikar AGP for the Respondents - State.

**CORAM : D. G. DESHPANDE, J.**

**DATE : 9TH OCTOBER, 2006**

**P.C. :**

1. Heard learned counsel for the petitioner and learned AGP for the State.

2. The petitioner was the holder of the land as he is purchaser from the Watandar, has challenged the order of the Tahsildar by which he is directed to deposit with the treasury an amount of Rs.45,000/- which is unearned income. Counsel for the petitioner contended that fixing the amount of Rs.45,000/- is without any criteria and arbitrary.

He relied upon the judgment of this Court reported in **1981 Bom.C.R. 32 Vithal Kondhalkar vs. The State of Maharashtra & Ors.** My attention was drawn particularly to page 43 where there is a reference to the circular of the Government dated 11.9.1968 bearing No. LND.3268/12844-B, wherein it is stated:

> **"This circular, therefore states that Government have carefully considered the question and are pleased to direct that the principle adopted in regulating unauthorised sale of non-agricultural plots held on new and restricted tenures in Government Resolution of the Revenue Department bearing No. L.N.D. 4857/169146-A1 dated 21.11.57, viz. that the Collector should sanction regularisation of unauthorised sale of new tenure plots by charging 62 1/2% to 75% of the net unearned income...."**

3. In the background of the aforesaid circular, counsel for the petitioner contended that the Tahsildar in the impugned order has not given any reasonings how he fixed the amount of Rs.45,000/- as net unearned income and why the Tahsildar has not taken into consideration the aforesaid circular. I find considerable force in the submission, and therefore the petition is required to be partly allowed.

4. In the result, the petition is partly

allowed. Impugned order of the Tahsildar is modified. Petitioner to deposit Rs.20,000/- before the Tahsildar. If pursuant to the ad interim order of this court dated 7.4.1992, the petitioner has deposited Rs.25,000/- with the Tahsildar, then there is no question of further deposit. Petition disposed of accordingly. Rule answered accordingly. No order as to costs.

**(D.G. DESHPANDE, J. )**